

CEQA Improvement Regional Dialogue – Fresno

April 20, 2005 -- Digest Notes

Introductory Comments

- The Governor called attention to the housing crisis, which stimulated a conversation on increasing housing across the state. This has led to a broader conversation on CEQA and possible areas for improvement.
- CEQA does a wonderful job protecting our wildlife and studies. However, these issues do and do not get addressed regionally and locally. The California Resources Agency Secretary had two objectives when reviewing CEQA and assembling the state level Advisory Group: 1) Maintain the standard of environmental quality and meet housing demands in California; 2) Engage in a discussion with broad cross-section of people throughout the state on CEQA improvements.
- The current CEQA review process can be summarized in two tracks. The longer term track is aimed at legislation in 2006 incorporating issues for broader advice and discussion. The short term track is based on convergence of opinion of you all on CEQA-related issues. This process is meant to be transparent where all feedback and discussion from the Advisory Group and regional dialogues will be posted on the Resources Website.

Public Policy Institute of California (PPIC) Presentation

The PPIC paper on *CEQA Reform: Issues and Options* is posted on PPIC's website at: http://www.ppic.org/content/pubs/OP_405EBOP.pdf.

Public Comments

- City of Fresno has a master EIR process. It was adopted in 2003 and used to expedite smaller projects in the CEQA review process. The master EIR is consistent with the general plan.
- The city of Modesto has a master EIR process as well. We make sure that it is current and updated—we are working in an experimental way.
- At the regional level there is tightening pressure for air quality. The Master EIR allows for giant broad scale plans.
- The shortcoming is the lack of adequate services, police, water, etc. It is not emphasized enough that CEQA is the only way that the public can get involved in the process. It is stunning to see to see that the general plan is not updated in Stanislaus County. The State could provide resources to update general plans.
- The Washington Post recently stated that a quarter of homes are bought by speculators. Is the housing boom driven by need or just speculators?
- Approximately 208,000 units were produced in 2000, which was still 30-40,000 units short of demand. Unit production is short each successive year of normal population growth. 7,000 units is short of the 8,000 annual units needed.
- Statistics also point to vacant housing—we need to reoccupy these homes.
- CEQA is a good driving tool for the following reasons:

- We can't do CEQA change without a planning change—there is inextricable link between the two. This loosens the ability to develop without planning
 - There should be focus on greenlining approaches, if we allow sprawl to continue on it will only get worse. This involves a rigorous Master EIR process, looking at resources, greenlining, etc. as well as eliminating findings for overriding consideration.
 - The legislature has grappled with planning legislation before.
 - Citizen enforcement outside of the private sector and a general way for citizens who cannot afford it.
- Comments are made on General plans every 8 to 15 years. It is the only tool we have for community input. We need smart growth.
- NCCP, HCP are being used as examples as smart growth—this demonstrates non-compliance. The General plan elements have to be revised and need to address agricultural land protection and mitigation.
- The problem with focusing solely on the general plan is that nothing is found. There needs to be a commitment at the State and local level that it is actually adopted.
- Amendments don't happen in a consistent way. Public participation on the grassroots level can be diluted. Regional and general plans translated. More outreach and technical assistance offered by the state on CEQA documents would be helpful.
- CEQA is not a good planning tool. People don't understand general plans.
- There have been experiments on growth visioning. For example, technical tools have been established like the Blueprint in Sacramento.
- It is frustrating to work on the process and then things change. Organizations are willing and able to participate but without the capacity.
- Here are two cases where companies essentially chose if CEQA would hinder or advance development:
 - An ethanol plant consulted with the community to collaborate on its project. Through the public hearing process we encouraged people to work with us. This actually sped up the development process and the company could start production. The project went forward without an appeal. CEQA enhanced the whole process. Issues were resolved privately.
 - There was another county and company that absolutely refused to work with the community and that resulted in litigation. Some of the concerns involved air and water effects. How can a house be built if it is not know whether there is good air quality and water to live? How can that community be successful if there are no jobs in that area? Air, water, health effects (ie asthma) are all part of the check and balance system between the agency and developer. CEQA is the check where the public comes through and allows for listening on both sides, at the local level or in court. In this specific case, the company in court refused to address water concerns and would have saved money if they did a full EIR.
- The context of this proposed legislation is the housing crisis. What we really have here is a resources crisis.
- The state of resources has not been mentioned. Eastern Madera had shutdown and there has been difficulty with sewage treatment. The air basin needs more scrutiny.

- It is not hard to send information of proposed projects to the people in the concerned area. CEQA already requires documents to be public (EIR/Negative Declarations).
- Rural residential areas do not have resources like cities such as Clovis and Fresno to put out regular notices. If notification rules are not followed then projects are open to critiques and complaints because the public was not properly notified. Issues of water and air quality need to be addressed at the general plan level so that the whole process is under public review. Good planning is dependent on certainty and environmental quality. Population growth cannot happen with zero impact.
- Valley cities are in competition for jobs. There is high underemployment. Cities often refuse to cooperate on jobs.
- CEQA cannot be changed without a planning change for regional planning. Rigorous offsets for development are needed. Also need to eliminate findings of overriding consideration.
- Tracking and enforcing mitigation is a problem.
- Need mitigation in advance of project, and need to have bigger mitigation. Could have landowners in houses pay water and sewage fees, and use those funds towards mitigation.
- Mitigation fees need to comply with the California Mitigation Fee Act. This requires a nexus study and fee study.
- Impact fees may be successful if impacts are real, quantified and caused by the project.
- Mitigation may be enforced through legal contracts.